

APPEAL NO. 032296
FILED OCTOBER 14, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on July 31, 2003. The hearing officer determined that the respondent's (claimant) _____, compensable injury extends to and includes a lumbar sprain/strain after February 27, 2003, as well as discopathies found on the discogram; that the claimant had disability from July 13, 2003¹, through the date of the hearing; and that the claimant's average weekly wage is \$310.40. The appellant (carrier) appeals the extent-of-injury determination. The appeal file contains no response from the claimant.

DECISION

A timely appeal not having been filed, the decision and order of the hearing officer have become final pursuant to Section 410.169.

Contrary to the carrier's assertion on appeal that it received a copy of the hearing officer's decision on August 8, 2003, records of the Texas Workers' Compensation Commission (Commission) reflect that the decision was received by the carrier's representative on August 6, 2003. Pursuant to Section 410.202(a), for an appeal to be considered timely, it must be filed or mailed within 15 days, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code, of the date of receipt of the hearing officer's decision. In the present case, the deadline for the carrier to file an appeal was August 28, 2003. The carrier's appeal was mailed to the Commission on August 29, 2003, the same date upon which a facsimile transmission of the appeal was received by the Commission. The carrier's appeal was, therefore, not timely filed.

Because the carrier's appeal was not timely filed, the hearing officer's decision and order have become final pursuant to Section 410.169 and Tex. W.C. Comm'n, 28 TEX. ADMIN. CODE § 142.16(f) (Rule 142.16(f)).

¹ Although the hearing officer's conclusion of law states that the disability period began on July 13, 2003, the corresponding finding of fact states that the period began on July 13, 2002. Additionally, the hearing officer's Statement of the Evidence makes clear that the beginning date of disability is July 13, 2002.

The true corporate name of the insurance carrier is **EMPLOYERS INSURANCE OF WAUSAU, A MUTUAL COMPANY** and the name and address of its registered agent for service of process is

**JACK KNIGHT
105 DECKER COURT, SUITE 600
IRVING, TEXAS 75062.**

Chris Cowan
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Edward Vilano
Appeals Panel